

DEPARTMENTAL BUDGET INFORMATION

DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)

MISSION

The Department of Administrative Hearings will improve the physical condition of the city as a quasi-adjudicative tribunal for the expedient, independent, and impartial adjudication of municipal civil infractions.

DESCRIPTION

The Administrative Hearings Bureau will replace the Municipal Ordinance Violations Bureau (MOVB), establishing procedures for the administration and adjudication of municipal civil infractions ordinance. The Zoning and Solid Waste branches of the MOVB will dissolve and be replaced by Divisions administered under the Department of Administrative Hearings (DAH). The DAH will assess civil fines and costs pursuant to the schedules of violations for the Civil Municipal Infractions Ordinances. Under the Administrative Hearings Bureau, violation notices will contain hearing dates, so no separate citation will be generated, and hearings will yield Decisions and Orders with which a defendant must comply or appeal to 36th District Court of Michigan.

MAJOR INITIATIVES:

The Mayor's Office convened a committee in the Fall of 2002 to develop the operational framework for implementing the Municipal Ordinance Violations Bureau, created by City Council in 1997 with an ordinance decriminalizing zoning violations. Staff in the Mayor's Office, Department of Environmental Affairs, Buildings and Safety Engineering, Law, Budget and Finance led the team activating the Bureau. Two branches are in existence, Zoning Enforcement and Solid Waste/Illegal

Dumping, and a Property Maintenance Branch has recently been proposed.

Environmental officers and inspectors began issuing violation notices in March 2003, which will be followed by citations, by court hearings, and by collection action, depending on violator compliance at each step. Zoning violation notices are issued by inspectors in the Building & Safety Engineering Department (B&SE). Solid Waste/Illegal Dumping violation notices are currently issued by staff in multiple city agencies: Environmental Control Inspectors in the DEA and Health Department, and Detroit Police Officers dedicated to environmental matters in each of the 13 precincts. Property Maintenance Code violation notices will be issued by inspectors in the B&SE Department, once the enabling municipal civil infractions ordinance is approved by the Detroit City Council.

With the State Legislature's passage of amendments to the Revised Judicature Act and the Home Rule Cities Act, Detroit may set up municipal administrative hearings procedures to strengthen the enforcement of these violations. This approach confronts the overburdened 36th District Court, multiple administrative hearings procedures already in existence across City agencies, disproportionate penalties for code violations, and time-consuming adjudication procedures with a more streamlined and still expedient, independent and impartial system. With passage of amendments to the Detroit City Code and Executive Organization Plan by the Detroit City Council, the Department of Administrative Hearings (DAH) will be created as Detroit's administrative hearings tribunal.

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One Manager, an Administrative Specialist and two Office Assistants will be hired during the first quarter of Fiscal Year 2003-04 to coordinate the development of key systems. Various functions associated with civil infraction notice issuance, processing, and docketing will be integrated into a single ticket processing system, under the responsibility of a vendor to be selected. This will include receipt of payments. Collection of delinquent violations will be part of an aggressive campaign led by new staff in the Law Department. In the initial rollout of the program, the City anticipates a lot of contest until citizens understand program objectives and enforcement methods. The plan for security services will rely on the experience of the Parking Violations Bureau. An ordinance will be passed outlining the procedure the bench book will contain of the hearings, and three part-time contractual Hearings Officers will be hired to conduct the proceedings.

Under the Administrative Hearings Bureau, violation notices issued by each branch will include a hearing date for violators who request adjudication or who fail to respond, so no separate citation is generated. When administrative hearings procedures are implemented, the City intends for agents to electronically generate violation notices in the field, using laptops or handheld ticket writing devices. This system will likely be part of the ticket processing vendor contract to be brought to City Council. Managers in the Mayor's Office Neighborhood City Hall offices are in the process of being deputized to issue minor violations as well.

Total volumes of violations are not known. Based on the activities of three branches,

once the Property Maintenance Code is decriminalized, the total volume of civil infraction notices projected in the first year under the new system is roughly 70,000. The total is expected to decrease in subsequent years, as compliance efforts become more focused and the deterrence effects begin to accrue throughout the city. Fines and fees revenues are recorded for Solid Waste, in the DEA, and for Zoning and Property Maintenance, in the B&SE.

When administrative hearings procedures are implemented, only those cases for which administrative Decisions and Orders are appealed will be transmitted to the 36th District Court. For these, a certified record will be sent to the Court for the appeal. Ticket writing agencies will incur costs for verifying titles. The DAH certifies the record. The appeal will look only at errors of law, similar to the appeal of 36th District Court judgements to the Circuit Court.

PLANNING FOR THE FUTURE

Administrative procedures are implemented in order to increase the effectiveness of code enforcement. While the incentive to citizens is financial, the City's interest is not. The DAH is an impartial actor and not an advocate for code revision or for collections efforts. The DAH will have no connection with the investigation, prosecution, or post-hearings collection aspects of municipal code violations. Its tracking of compliance patterns will assist other city departments: what is the incidence of different types of violations, what is the recidivism rate, how many citizens contest each type of violation, how many Decisions and Orders are appealed to 36th District Court, how many are remanded, etc.

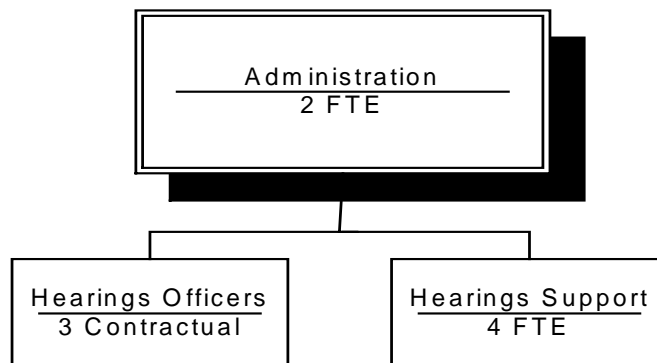
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As initial evaluation occurs, more divisions may be added to the DAH, in the model of the City of Chicago, which created the first unified municipal administrative adjudicatory system in 1997. Chicago's Department of Administrative Hearings addresses quality of life offenses with the following Hearings Divisions: Buildings; Consumer Affairs; Environmental Safety; Municipal; Vehicles; Community Service. Every year the department's administrative

law officers preside over 400,000 cases, including many previously prosecuted in an overburdened state court system. Cases include general violations of the Municipal Code relating to disorderly conduct, permits, public drinking, graffiti, business licenses and permits, public taxis and liveries, and consumer fraud and deception. More City of Detroit codes are already contemplated for decriminalization, according to careful study of program effectiveness here.

PERFORMANCE GOALS, MEASURES AND TARGETS

Goals: Measures	2001-02 Actual	2002-03 Projection	2003-04 Target
Prosecute unlimited numbers of civil infractions code violations issued by authorized City agents:			
Number of zoning division violations heard	N/A	N/A	2,468
Number of solid waste division violations heard	N/A	N/A	42,981
Number of property maintenance division violations heard	N/A	N/A	19,537
Streamline adjudication of code violations, with relaxed rules of evidence and procedure:			
Average number of days between violation issuance and hearing date	N/A	N/A	30
Percent of cases that are no-show	N/A	N/A	N/A
Enhance collectibility of fines and fees, through garnishments and liens drawing on the Department's Decision and Order power:			
Percent of Decisions and Orders appealed	N/A	N/A	N/A
Percent of Decisions and Orders overturned	N/A	N/A	N/A
Percent of Orders in delinquency	N/A	N/A	N/A
Adjudicate violations with sensitivity to their impact on blight:			
Number of dumping complaints received in the City	N/A	N/A	N/A



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EXPENDITURES

	2001-02 Actual Expense	2002-03 Redbook	2003-04 Mayor's Budget Rec	Variance	Variance Percent
Salary & Wages	\$ -	\$ -	\$ 204,172	\$ 204,172	0%
Employee Benefits	-	-	126,581	126,581	0%
Prof/Contractual	-	-	1,935,000	1,935,000	0%
Operating Supplies	-	-	40,000	40,000	0%
Operating Services	-	-	130,000	130,000	0%
Capital Equipment	-	-	270,483	270,483	0%
Capital Outlays	-	-	20,000	20,000	0%
Other Expenses	-	-	-	-	0%
TOTAL	\$ -	\$ -	\$ 2,726,236	\$ 2,726,236	0%
POSITIONS	0	0	6	6	0%

REVENUES

	2001-02 Actual Expense	2002-03 Redbook	2003-04 Mayor's Budget Rec	Variance	Variance Percent
Sales and Charges	\$ -	\$ -	\$ 92,143	\$ 92,143	0%
TOTAL	\$ -	\$ -	\$ 92,143	\$ 92,143	0%